



MEMORANDUM

TO: Public School Superintendents
Charter School Principals
Accredited Nonpublic School Principals

FROM: Pat Mapes, Director
Education Licensing and Development

DATE: June 22, 2009

SUBJECT: Reminder regarding expanded criminal history checks for school employment and Frequently Asked Questions document

House Enrolled Act 1462 amended several sections of the Indiana Code focused on safeguarding students and school communities by putting in place a requirement for expanded criminal history checks on all applicants for school employment, establishing a formal reporting process on school employees convicted of one or more felonies listed at IC 20-28-5-8(c), and providing for the development and maintenance of a searchable public data base of teachers and school employees who are convicted of any of those listed felonies. These requirements go into effect July 1, 2009.

Indiana Code 20-26-5-10 requires all school corporations, charter schools, and accredited nonpublic schools to adopt and administer a policy requiring each applicant for noncertified or certificated employment to obtain an expanded criminal history check as of July 1. In practical terms, this means that after July 1 all new hires in school corporations, charter schools, and accredited nonpublic schools are subject to an expanded criminal history check. The definition of “expanded criminal history check” found at IC 20-26-2-1.5 includes a search of records from all Indiana counties in which the applicant resided, all counties in other states in which the applicant resided, and the national sex offender registry or the sex offender registries of all fifty (50) states; or a national criminal history background check and a search of the national sex offender registry or the sex offender registries of all fifty (50) states.

There are several vendors currently being used by schools to conduct expanded criminal history checks that are not based on fingerprints. Fingerprinting is not mandatory. If your school or school corporation is not already working with a vendor there is an opportunity to use L-I Identity Solutions for digital fingerprinting to run state and national criminal history checks under an existing contract with the Indiana State Police. Included with this memo is an excel spreadsheet provided by the Indiana State Police noting the information needed for your school corporation or school to enroll at no cost through the ISP website to view results electronically. Once completed, the spreadsheet should be emailed to Mr. Ken O’Hare at ko'hare@isp.in.gov. Applicants for employment can register online through L-I to schedule a fingerprint appointment at one of 63 fingerprinting locations around the state. The fingerprint locations can be viewed at

<http://www.l-enrollment.com/locations/?st=in> and applicants can schedule a fingerprint appointment at one of the locations at <https://in.ibtfingerprint.com/>. Fingerprints are run through both the ISP Automated Fingerprint Identification System (AFIS) and the FBI's Integrated Automated Fingerprint Identification system (IAFIS). Results, reported as "Qualified" and "Not Qualified," can be viewed online by school employers, sometimes within the same day the applicant's fingerprints are scanned. You can learn more about IAFIS at <http://www.fbi.gov/hq/cjisd/iafis.htm>. Should you need additional information, the following personnel are available to assist with any questions:

- | | | |
|---------------------------------|--------------|--|
| 1) Ms. Inez Ford | 317-234-2717 | iford@isp.in.gov |
| 2) Mr. Ken O'Hare | 317-233-5037 | ko'hare@isp.in.gov |
| 3) Lieutenant Darnell Ledsinger | 317-233-5132 | dledsinger@isp.in.gov |

The combined cost of the L-I enrollment and fingerprint service and the ISP/FBI check, which is borne by the applicant, is approximately \$43; by statute an applicant may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five-year period. For additional information, please see the attached Frequently Asked Questions (FAQ) document. **Please note the requirement that teacher license applicants submit a Limited Criminal History as a condition of any licensing action is repealed as of July 1.** We strongly recommend that during the five-year validity period of the expanded criminal history check each school employer annually check their employee roster against the public sex offender and violent offender registries. The links to those websites are included in the accompanying FAQ.

There are other vendors available that offer expanded criminal history check services. There is no requirement that you utilize L-I and the ISP service. If you are using another vendor be sure the vendor's expanded criminal history service includes all the necessary components noted at IC 20-26-2-1.5.

Two other sections of HEA 1462 on which we are working concern the reporting of teachers and other school employees who are convicted of one or more of the 19 felonies listed at IC 20-28-5-8 or for whom the governing body has taken final employment action relative to one of the listed felonies. The Office of Educator Licensing and Development is collaborating with our Office of Education Information Systems to create a secure reporting form that can be submitted electronically by school employers and can be printed and mailed by local prosecutors. Once conviction information is received and verified for former noncertified school employees it will be included in a public data base that can be accessed on our website. Conviction information reported on certificated employees will be verified, reported on the public data base, and forwarded to the Office of Legal Services for investigation and initiation of license revocation proceedings. Both the reporting mechanism and the data base are currently in development and will be functional July 1. More information on those efforts will be forthcoming Information will be forthcoming on or near the effective date.

The Frequently Asked Questions document that is attached includes questions to which we have responded since the first memo was distributed June 10.

Should you have questions or need additional information please feel free to contact Risa Regnier, Office of Educator Licensing, at 317/232-0501 or by email at rregnier@doe.in.gov.